

### **DETAILED ACTION**

1. Applicant's arguments, filed 3/31/08, with respect to the rejection(s) of claim(s) 20-27 under 102(b) and 103 in view of Jones 973' have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the new cited patent to Paulsen et al.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20-28, 31, 34 and 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. 973' in view of Paulsen et al.

The patent to Jones 973' discloses a method of playing a collateral wagering game, progressive jackpot component, in combination with a standard wagering game, underlying Twenty-One game. A group of up to seven entrants or players may play the game, see the seven betting locations 12. Each player makes a wager for participating in the standard wagering game, Twenty-One game. Each player exercising an option to make an additional wager 20 on an outcome of the standard wagering game, Twenty-One game, col. 5, lines 6-32. The additional wager 20 is optional, see abstract and see col. 3, lines 1-21. The outcome of each player's hand is determined in the standard

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wagering game, Twenty-One. If the player achieves a winning outcome in the standard wagering game, Twenty-One, the player receiving a prize amount of one-to-one odd for the standard wagering game. A player may win the standard wagering game, underlying Twenty-One, without having to place said additional wager for participating in the collateral wagering game, see col. 3, lines 13-17 which recites “if the player places a wager in the bet box, but does not insert a token into the progressive jackpot coin acceptor, then the dealer assumes that the **player wishes to participate in a wager only for the underlying game**”. If the player has made an additional wager for participating in the collateral wagering game, progressive jackpot component, a prize value is allocated to the collateral wagering game based upon the winning outcome in the standard wagering game. A total prize value is determined for the player in the collateral wagering game when the player has made the additional wager for participating in the collateral wagering game, see Tables 1-6. Thus a winning player is paid the prize amount as determined in the standard wagering game, underlying Twenty-One, one-to-one odds, **and** the total prize value for the collateral wagering game, progressive jackpot component, the player is entitled to receive.

The patent to Paulsen et al. teaches that it is known in casino wagering games having a standard individual participation wagering game, blackjack, and a collateral wagering game, progressive jackpot component, to conduct the standard individual wagering game as a network-linked game played at a plurality of venues, one or more gaming establishments (casinos), See abstract, Fig. 1, and see col. 5, lines 16-65. This allows a plurality of entrants to play the standard individual participation wagering

game where all entrants of the plurality of entrants are not present at a single venue (casino). In view of such teaching it would have been obvious modify Jones 973' progressive jackpot component by providing Jones 973' game tables to casinos at different gaming establishments, and network-link these game tables as taught by Paulsen et al. in order for players at the different gaming establishments to play Jones 973' game and contribute to the progressive jackpot component. Thus, having Jones 973' progressive jackpot component more rapidly increase in size and attract more players.

Concerning claims 21, 23, 25 and 27, the claimed "determining said total prize amount for said player by adding the prize amount won by said player in said standard wagering game to said prize value in said collateral wagering game multiplied by a number of winning shares owned by said player in the collateral wagering game", determining exactly total prize amount paid to the player in Jones et al. 973' game, (e.g. % amount of the Jackpot according to a predetermined hand, fixed amount according to a predetermined hand,, a multiple of the amount wagered by the player, etc.) is simply a casino business decision dependent of on the amount of profit and revenue the casino wishes to make.

In regard to claims 28, 31, 34, and 37, dealers dealing cards in blackjack games at all casinos deal cards at approximately the same speed. Thus, blackjack is played at approximately an equal speed in all casinos. It would have been obvious for Jones 973' standard wagering game, Twenty-One, to be played at approximately an equal speed in all casinos.

4. Claims 29, 30, 32, 33, 35, 36, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones 973' in view of Paulsen et al. as applied to claims 20, 24, 26 above, and further in view of Morris et al.

The patent to Morris et al. discloses a gaming system 10 having a plurality of network-linked lottery gaming machines, Fig. 1. Morris et al. recites "Use of computers and video terminals also affords on-line competition among the many players that can simultaneously play the **lottery games** at the same or **remote locations**", col. 3, lines 2-5. Thus, Morris lottery gaming system is played by players at different venues.

Morris et al. also recites "The gaming system 10, however is also capable of supplying a variety of other games including more sophisticated games. Examples of such games include poker, slot machines, **progressive games**, Pai Gow, **blackjack**, **keno**, bingo craps, roulette and Red Dog", col. 5, lines 35-39.

In view of such teaching, it would have been obvious to alternatively provide another embodiment to Jones 973' gaming system by providing lottery and keno gaming machines to Jones 973' gaming system. The lottery and keno gaming machines would have been network-linked to Jones 973' gaming system. Players would have placed wagers in the lottery and keno gaming machines to play local lottery and keno games. Players would have also had the option to place an additional wager to participate in the Jones 973' collateral wagering game, progressive jackpot component, a prize value would have been allocated to the collateral wagering game based upon the winning outcome in the lottery or keno wagering game. A total prize

value would have been determined for the player in the collateral wagering game when the player has made the additional wager for participating in the collateral wagering game.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (571) 272-4424. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571)272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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